

Notice of Allowability

Application No.

09/858,116

Examiner

Guy J. Lamarre, P.E.

Applicant(s)

SHALVI ET AL.

Art Unit

2133

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 7/19/04.
2. ☒ The allowed claim(s) is/are 1-12.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.


5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date 5/10/04.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


Guy J. Lamarre, P.E.
Primary Examiner

Reasons For Allowance

0. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed on 7/19/04 in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission of 5/10/04 has been entered.

0.1 **Claims 1-2** and **4-5** are amended, **Claims 7-12** are added. **Claims 1-12** remain pending.

0.2 The rejections to **Claims 1-12** and objections of record are withdrawn in response to Applicants' Amendment of 5/10/04.

Response to Arguments

1. Applicants' arguments of 5/10/04 are found persuasive. As a result, **Claims 1-12** are allowed as follows.

Allowable Subject Matter

2. **Claims 1-12** are allowable over the prior art.

2.1 The following is an examiner's statement of reasons for allowance:

The prior art of record is exemplified by '*IEEE 802.14a High-Capacity Physical Layer Specification Draft 1 Revision 4*' (herein after **D1r4**) in view of '*802.14a Sub-Working Group's Ballot Decision 2 file*' (hereinafter **Ballot 2**).

D1r4 teaches of inserting the preamble symbols "every $v=$... symbols starting from the first symbol. Preamble symbols are located at locations 0, v , $2v$, $3v$, ... (1st symbol of the packet is at location 0) on lines 51-56 of page 51 and lines 1-2 of page 52. **D1r4**, at lines 4-5 of page 52, also shows an example of a split and separated preamble type of data packet, with P representing preamble bits and D representing data bits: P D D D D P D D D D P D D D D P D.

Ballot 2 teaches that adding a split preamble mode (in addition to the interleaved/non-interleaved modes) increases acquisition robustness against impulse noise at page 22, item 4 under 4.2.11 heading. **Ballot 2** also teaches that in the split preamble mode, the preamble will be split into two parts. The first part will be added before the data, and the second part will be inserted after a predefined number of data symbols at pages 22-23, item 4 under 4.2.11 heading.

Thus, in **D1r4** and **Ballot 2**, preamble/sub-preamble and data symbols are interspersed.

However, no such art was discovered that discloses, teaches or suggests alone or in combination data packet framing format wherein the preamble is split into a plurality of sub-preambles of non-interleaved symbols followed by data symbols, as claimed.

2.2 Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

CONCLUSION

3. The prior art made of record and relied upon is considered to applicant's disclosure.

3.1 Any response to this action should be mailed to:

Commissioner of Patents and Trademarks, Washington, D.C. 20231

or faxed to: (703) 872-9306 for all formal communications.

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Fourth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Guy J. Lamarre, P.E., whose telephone number is (703) 305-0755. The examiner can normally be reached on Monday to Friday from 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert De Cady, can be reached at (703) 305-9595.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Information regarding the status of an application may also be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Guy J. Lamarre, P.E.
Primary Examiner
9/1/04
